

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

MARK HOFFMAN and PATRICIA  
HOFFMAN, a marital community,

Plaintiffs,

vs.

STATE FARM FIRE AND CASUALTY  
COMPANY, a foreign corporation, and  
WEST SOUND PROPERTY  
MANAGEMENT, LLC dba  
WINDERMERE PROPERTY  
MANAGEMENT / WEST SOUND, a  
Washington limited liability company,

Defendants.

NO.

NOTICE OF REMOVAL OF CIVIL  
ACTION PURSUANT TO  
28 U.S.C. § 1441

TO: CLERK OF THE COURT

AND TO: MARK HOFFMAN AND PATRICIA HOFFMAN, PLAINTIFFS

AND TO: BRUCE WINCHELL AND JANNA J. ANNEST, OF MILLS MEYERS AND  
SWARTLING, ATTORNEYS FOR PLAINTIFFS

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, defendant State  
Farm Fire and Casualty Company hereby removes the Kitsap County Superior Court action  
described below to the United States District Court for the Western District of Washington at  
Tacoma. In support thereof, defendant states as follows:

NOTICE OF REMOVAL OF CIVIL ACTION  
PURSUANT TO 28 U.S.C. § 1441 – 1

1           1.       On June 22, 2015, Mark Hoffman and Patricia Hoffman (“plaintiffs”) filed a  
2 civil action in Kitsap County Superior Court against State Farm Fire and Casualty Company  
3 (“State Farm”) and West Sound Property Management, LLC dba Windermere Property  
4 Management/West Sound (“West Sound”), under Cause No. 15-2-01226-8. On June 19, 2015,  
5 counsel for plaintiffs provided to State Farm by service through the Insurance Commissioner of  
6 Washington a “Complaint for Damages” for that action. On December 18, 2015, plaintiffs  
7 filed an Amended Complaint for Damages.

8           2.       The Amended Complaint for Damages seeks damages against State Farm for  
9 alleged breach of contract, bad faith, and violation of the Consumer Protection Act and the  
10 Insurance Fair Conduct Act. The breach of contract claim has been dismissed on summary  
11 judgment. A copy of the Amended Complaint for Damages is submitted as an exhibit with this  
12 Notice of Removal.

13           3.       At the time plaintiffs served State Farm with the complaint for damages, the  
14 action lacked diversity of citizenship as defined in 28 U.S.C. § 1332. Plaintiffs resided in King  
15 County, Washington. (Amended Complaint for Damages, ¶ 1.1) State Farm is an Illinois  
16 corporation with its principal place of business in Illinois. (*See id.*, ¶ 1.2) West Sound is a  
17 Washington limited liability company. (*Id.*, ¶ 1.3) Since plaintiffs and West Sound were both  
18 citizens of Washington, the action was not removable at that time.

19           4.       On June 9, 2016, counsel for plaintiffs electronically served counsel for State  
20 Farm with a Stipulation and [Proposed] Order of Dismissal With Prejudice, signed by counsel  
21 for plaintiffs and counsel for West Sound, which would dismiss all claims against West Sound  
22 with prejudice. The electronic mail stated that the document was sent to the court by mail that  
23 day.  
24  
25

1           5.       With the dismissal of West Sound as a party, this action is one in which the  
2 United States District Court is given original jurisdiction by reason of complete diversity of  
3 citizenship and the requisite amount in controversy pursuant to Title 28 U.S.C. § 1332.

4           6.       Venue is proper in the United States District Court for the Western District of  
5 Washington, in that State Farm conducts business in Kitsap County, Washington, and State  
6 Farm is subject to personal jurisdiction there. (Amended Complaint for Damages, ¶ 1.2) 28  
7 U.S.C. § 1391.

8           7.       The suit is between plaintiffs Mark Hoffman and Patricia Hoffman, residents of  
9 King County, Washington, and defendant State Farm Fire and Casualty Company, an Illinois  
10 corporation with its principal place of business in Illinois.

11          8.       State Farm has a good-faith belief that the amount in controversy exceeds  
12 \$75,000 exclusive of interest and costs. Prior to filing suit, plaintiffs claimed their damages  
13 totaled approximately \$200,000, and offered to settle their claims for \$135,000. Since filing  
14 suit, plaintiffs have asserted their damages exceed \$115,000, not including fees and costs  
15 incurred in the litigation. They have requested that the court treble their alleged damages under  
16 the Insurance Fair Conduct Act. (Amended Complaint for Damages, prayer for relief at 7)  
17 Their settlement demand has increased.

18          9.       Removal to federal court is appropriate in any civil action brought in state court  
19 over which the federal district court has original jurisdiction. 28 U.S.C. § 1441.

20          10.      As of the date of the filing of this Notice of Removal of Civil Action, 30 days or  
21 less have elapsed from the time this matter first became removable. State Farm first received a  
22 copy of the Stipulation and [Proposed] Order of Dismissal With Prejudice on June 9, 2016.

23          11.      Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal of Civil  
24 Action is being served upon plaintiffs' attorneys and a copy will be filed with the Clerk of the  
25 Superior Court of the State of Washington for Kitsap County.

DATED this 20 day of June, 2016.

REED McCLURE

By

Michael S. Rogers, WSBA 16423  
Attorney for Defendant  
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NOTICE OF REMOVAL OF CIVIL ACTION  
PURSUANT TO 28 U.S.C. § 1441-4

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REED M<sup>c</sup>CLURE

ATTORNEYS AT LAW  
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1215 FOURTH AVENUE, SUITE 1700  
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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Bruce Winchell  
Janna Annest  
Mills Meyers Swartling PS  
30<sup>th</sup> Floor  
1000 Second Avenue  
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*Attorneys for Plaintiffs*

Philip T. Mattern  
Demco Law Firm PS  
Suite 200  
5224 Wilson Avenue South  
Seattle WA 98118-2587  
*Attorney for Defendant Windermere  
Property Management West Sound*

And I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

*N/A*

DATED June 20, 2016, at Seattle, Washington.



Katherine McBride